

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE
LITIGATION

MDL NO. 1456

THIS DOCUMENT RELATES TO:

TRACK 2 SETTLEMENT

CIVIL ACTION: 01-CV-12257-PBS

Judge Patti B. Saris

**HEALTH CARE FOR ALL'S MOTION TO WITHDRAW AS CLASS 1
REPRESENTATIVE FOR TRACK 2 SETTLEMENT**

Health Care For All ("HCFA"), by Class Counsel, respectfully moves this Court for an order permitting it to withdraw as a Class 1 Representative for the Track 2 Settlement. The grounds for this Motion are as follows:

1. On July 2, 2008, the Court preliminarily approved the Track 2 Settlement and, in doing so, named HCFA as one of the representatives for Class 1. Dkt. No. 5426.
2. HCFA seeks to withdraw as a proposed Class 1 representative for the Track 2 Settlement.
3. There will be no prejudice to Class 1 if this request is granted. Class 1 is adequately represented in the Track 2 Settlement by public interest organizations Vermont Public Interest Group, Wisconsin Citizen Action, New York Statewide Senior Action Counsel and Citizen Action of New York as well as consumer plaintiff Muriel Tonacchio on behalf of the Estate of Wilma Mort.

WHEREFORE Health Care for All respectfully requests that this Court enter an order permitting it to withdraw as a Class 1 representative for the Track 2 Settlement, and all other relief that this Court deems just and appropriate.

DATED: April 14, 2011

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CERTIFICATE OF SERVICE BY LEXISNEXIS FILE & SERVE

Docket No. MDL 1456

I, Steve W. Berman, hereby certify that I am one of plaintiffs' attorneys and that, on April 14, 2011, I caused copies of **HEALTH CARE FOR ALL'S MOTION TO WITHDRAW AS CLASS 1 REPRESENTATIVE FOR TRACK 2 SETTLEMENT** to be served on all counsel of record by causing same to be posted electronically via Lexis-Nexis File & Serve.

/s/ Steve W. Berman
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